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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,102	02/21/2002	Jeffrey Sherwood	47507/270534	7379
23370	7590	08/25/2004		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309				
			EXAMINER TRAN, HENRY N	
			ART UNIT 2674	PAPER NUMBER

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,102

Applicant(s)

SHERWOOD, JEFFREY

Examiner

HENRY N TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office action is in response to the applicant's Response received 6/14/04 (Paper No.

3). Applicant's remarks have been fully considered, with the results set forth as follows.

#### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action mailed 3/12/04.

Claim 9 stands rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (U.S. Patent No. 6,344,836) as recited in paragraphs 3 and 4, pages 2 and 3 of the prior Office action.

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No. 6,344,836) in view of Manne (U.S. Patent No. 5,949,522) as recited in paragraphs 5 and 6, pages 3 and 4 of the prior Office action.

#### ***Response to Arguments***

3. Regarding claim 9, Applicant argues that the prior art, the Suzuki's invention does not teach: (i) the applicant's claimed system, which is directed to a system for altering the appearance of an interior space; (ii) the system comprising a plurality of primary speakers; at least two speakers are positioned proximate to each of the plasma display screens; and (iii) the audio data associated with a particular video image displayed on a particular plasma display screen are transmitted to the at least two speakers. Examiner disagrees because of the following

reasons: (i) In response to applicant's argument that Suzuki does not teach a system for altering the appearance of an interior space, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963); (ii) Suzuki teaches clearly a plurality of primary speakers 33 (figs. 1 and 3), each comprising at least two speakers positioned proximate to each of the display screens 20 and 30 (fig. 1); and (iii) video and audio data associated with a plurality of images such as landscapes, aquarium, etc...displayed on the screen are transmitted from the system device 10 for viewing and listening, see figs. 5-7; col. 7, lines 40-59; and col. 8, lines 61-65. Therefore claim 9 stands rejected.

4. Regarding claims 1-8 and 10-15, Applicant argues that the prior art, the Suzuki-Manne combination is improper because of: (i) the cited references do not provide a suggestion or motivation to combine or modify the references as suggested by the examiner, (ii) Suzuki does not express any suggestion or motivation to use a scent generator in providing an information browsing systems; and (iii) Manne teaches away from Applicant's invention because Manne teaches a personal scent delivery system rather than a scent delivery system that disperses scents to large interior spaces. Examiner disagrees because of the following reasons: (i) the motivation for combining the references has been specifically identified in the prior Office action as follows: "because this would provide an olfactory virtual reality system capable of simulating ...for

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alternating the appearance of an interior space for effectively attracting and interfacing with inspectors or viewers, ...Manne, col. 2, lines 44-47; (ii) the Manne's reference, NOT the Suzuki's reference, is relied upon for the teaching of using a scent generator (39) for dispensing a scent associated with a video image displayed on a display screen in response to a signal from the computer (37); and (iii) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the scent generator as taught by Manne to be modified to disperse scents to the air or an interior space instead to the wearer's nose. The rejections of the claims 1-8 and 10-15 are therefore maintained.

***Conclusion***

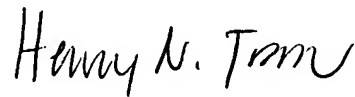
**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY N TRAN whose telephone number is 703-308-8410. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A HJERPE can be reached on 703-305-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HENRY N TRAN  
Primary Examiner  
Art Unit 2674

8/23/04